

**Public input received on the preliminary draft DEL child care subsidy rules
circulated for public input in March through May 2009.**

Six individuals and organizations sent written comments. The following are those comments as received, but with some reformatting. DEL notes in *italics* are inserted where applicable.

Received March 19, 2009:

I am a child care center director in Region 5 and recently received a Preliminary Draft of the Child Care Subsidy Programs in WAC chapters 170-290. When I look at the Subsidy Matrix beginning on page 37 and continued on page 38, I see rates with which I am unfamiliar reported for Region 5 crossed out and our current rates underlined as though they are new and increased rates. The rates that are presented as increases went into effect on July 1, 2008 surely this is just a typo and you are actually planning to increase the vendor rates beginning on July 1st 2009. Please advise me at your earliest convenience.

[DEL note:, The draft and proposed rules update the 2005 rates in the WAC with rates effective July 1, 2008, until the Legislature approves other rates.]

Received March 23, 2009:

Since this proposal combines WCCC and SCC, and the SCC section is “reserved” and not available for comment at this time, will there be another review period for the entire draft? Until we see the SCC section, the WAC document is not complete enough for the SCC contractors to review.

When do you anticipate sending out the SCC section and how much extension of the review period can we expect after receipt?

[DEL note: The draft SCC rules were made available for public input on April 23, 2009.]

Received March 25, 2009:

I would like to make a suggestion regarding WAC 170-290-0045:

Under approved activities, it would be helpful to clarify exactly what type of higher education is allowed.

“WAC 170-290-0045

(9) Child care for participation in Voc Ed is limited to thirty-six months regardless of the length of the educational program. The thirty-six months includes the months in which the following occurred at the same time.”

Parents are looking for higher education and degree programs, not just certificate and Voc Tech training. The problem with certificate and Voc Tech training programs is that when the consumer completes the program, they are usually eligible for minimum wage positions. This does very little to break the cycle of poverty and lift them from State assistance and subsidy.

Assisting consumers with child care so they may pursue a degree program, with the 36

(continued)

months cap limit would be a tremendous benefit and support especially to single parents.

Thank you for considering my suggestion. I am a licensed and accredited family child care provider that has cared for my community's low income families for the last 22 years.

Received May 5, 2009:

I would request you consider the following regarding the **WAC 170-290-0269**:

If a co payment amount determined by DSHS for a consumer results in an underpayment, the **Childcare Provider** may request reimbursement within three years of the date of child care service.

Comment related to above change:

Community Day School Association (a licensed childcare provider in the city of Seattle) has had two instances in the last 6 months where we have charged our client the correct co pay, DSHS has invoiced the co pay incorrectly and for substantially more than the amount of the actual co pay received, and thus underpaid the CHILCARE PROVIDER (Community Day School Association). Upon contacting DSHS about this issue, our CLIENT was then reimbursed by DSHS the amount for which we were underpaid. In both instances the client stopped attending upon receiving the check and I can only assume sought out childcare elsewhere with the check for the underpayment to us in their pocket. Because they paid their co pay to us as required, they are free to obtain childcare services with another provider while we are left underpaid and without that client. Per both caseworkers contacted in these incidents, this is the only way they can handle this situation even though the CLIENT has not been overcharged or underpaid.

Additional comments/suggestions/requests:

1. Develop a schedule for increases in the payment level provided to childcare providers. (i.e. annual percentage increase) this would help childcare providers plan for improvements, accreditation and professional development based on known increases to the childcare payments to providers.

2. Change language of **WAC 170-290-0082** to: DSHS WILL approve you for a period of no less than six months. A consumer's eligibility may end before the six month period based on WAC 170-290-0110. This change would ultimately require less: paperwork, man hours and headache for all involved. All requirements for eligibility would remain the same, and the client would still be responsible for informing DSHS of changes in circumstances that would affect their co pay or eligibility status.

Thanks for your consideration of these issues. Please feel free to contact me if this is unclear or you have further questions.

Received May 5, 2009:

170-290-3660

Eligibility period

The SCC Contractor may approve a consumer for a period up to six months.....

(continued)

This WAC is unclear. From what month are the 6 months counted, from the month the family is determined eligible for services or from the month the family is authorized to begin child care. These 2 can potentially be 2 different months. I.e., the family is registered May 15th, authorized to begin child care June 1.

170-290-3550

Eligibility; special circumstances

(3) The primary wage earner must show fifty percent or more of his or her earned income for the previous twelve months comes from seasonally available agricultural related work.

This is a drastic change from current WAC 170-292-0025 (5) - Fifty percent or more of a family's earned income for the previous twelve months is derived from seasonally..... etc.

We should ensure that families changing from non-ag to ag related work can access the SCC program. By changing the WAC to 'the primary wage earner' instead of leaving it as the 'family's earned income' you are making it more difficult for families to access child care altogether.

Comment 6, received May 6, 2009:

SEIU Local 925 is formally submitting the comments below on the Working Connections and Seasonal Child Care Subsidy WACs. We request answers to our questions and responses to our concerns as we prepare for any upcoming hearings on these proposed changes. We also request a crosswalk/matrix, showing the changes and reasons for such proposed changes.

We do not understand the sections below. What do these sections mean and is this a change from current policy? Please send us a detailed explanation.

Rights and Responsibilities

WAC 170-290-0025

When a consumer applies for or receives WCCC benefits, he or she has the right to:

13 Not be charged by the consumer's provider, or make the consumer pay, for:

(continued)

(d) A higher amount than the state allows for field trips...If the consumer cannot pay the higher amount for a field trip, the provider must make arrangements for the child's care for that day;

What does the second section mean? Is this the current policy?

(f) Future care when the provider chooses to stop caring for the consumer's children.

What does this mean and is it the current policy? Both of these are confusing. Please explain this section. 5 absent days are paid when the child is discontinuing with a provider,
(continued)

paid by the state. Also, providers are given 10 day termination notices when consumers are terminated. How do these rules intersect with this section?

WAC 170-290-0031

(4) Report to DSHS 's WCCC staff, within twenty-four hours, any pending charges or conviction information the consumer learns about his or her license-exempt provider; and

Why does this single out the LE provider? Shouldn't it just say provider?

WAC 170-290-0109

This section should have a provision for retroactive payments when the paperwork/application has been submitted prior to the end of the authorization and not approved on time, through no fault of the consumer. In other words, the pay should be made to the provider when the authorization gap is delayed by DSHS. This is in the CBA.

WAC 170-290-0125

1. (b)(i) The provider's private pay rate for that child; or

This should specify Licensed provider's pay rate. License Exempt providers do not have a private pay rate. They are paid an hourly rate set in the CBA.

WAC 170-290-0130

2. (b) Agree to provide constant care, supervision, and daily activities based on the child's developmental needs, including environmental, physical, nutritional, emotional, cognitive, safety, and social needs; and

What is constant care and how will it be measured? This would be more clear if it said: Provide care, supervision, and daily activities based on . . . and social needs;

WAC 170-290-0135

(2) If DSHS requests it, the consumer and/or the provider must provide written medical or legal evidence that the license-exempt provider is of sufficient physical and mental health to provide safe, reliable and developmentally appropriate child care services.

This new requirement should be at the expense of DSHS, since it is at their request. License-exempt providers are paid less than ½ of minimum wage and it is not acceptable to cause them financial burden.

WAC 170-290-0138

7. (b) Keep daily attendance records that: Show the consumer's full signature, or the full signature of the consumer's designee as provided in subsection (8) of this section, signing the child in and out of the provider's care;

(continued)

Currently, the provider only has to get initials. Getting the full signature is unrealistic for both the licensed and license-exempt providers. If there is a question of fraud, the State can determine from the initials on the sign-in and sign-out whether the child was in care. That system has worked well. What is the research that makes this requirement necessary?

(d) Be given to DSHS or DEL, within fourteen consecutive calendar days, if DSHS or DEL asks for them.

Providers have the right to be paid for the cost of copies of the sign-in and out sheets, or to make arrangements for the State to make copies or affirm the copies are of the originals. DSHS or DEL does not have the right to be “given” the sign-in and sign-out sheets. In addition, the provider may make arrangements and should have the flexibility to arrange how many days it will take to provide the copies, as they might have to go back 5 years. Fourteen days should be removed from this WAC. It is unreasonable.

Subsidy Rates and Fees

WAC 170-290-0190

3. DSHS may authorize up to the provider’s private pay rate if:

This should specify the licensed provider, as license-exempt providers do not have a private pay rate. They are paid hourly per the CBA.

WAC 170-290-0225 (2), WAC 170-290-0230 (2), WAC 170-290-0235 (3)

The phrase “while in child care” should be deleted. Verification should include details about all of the child’s additional needs in relevant areas such as environmental accommodations, ambulation, eating, personal hygiene, communication, and behavior.

If a center, family child care provider, or license-exempt provider have verification of special needs, it should be sufficient. It is unrealistic that the special needs experts will know the specific needs “while in child care” and this language will result in child care providers being rejected special needs subsidies, ultimately hurting the children in care. This language is more restrictive than the CBA.

WAC 170-290-0235 (1), (4)(a)(b)

The pay amounts in this section are incorrect per the CBA. Please remove these rates and replace with the correct rates.

WAC 170-290-0240 (1)(a), (b)

The pay rate is incorrect in section (a) and should be removed. In (b) the license-exempt providers do not have a private pay rate so this reference should be removed.

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WAC 170-290-0247 (2)

The field trip fee can only be reimbursed for children three years of age and older.

Per the CBA Article 11.4 The State will provide up to twenty dollars (\$20) per child per month for admission fees and other enriching activities.

There is no age limit in the CBA, therefore this language should be reflected in this WAC.

WAC 170-290-0249

The qualification for the non-standard hours bonus are different per the 2009-2011 CBA, so this WAC will need to be revised accordingly.

WAC 170-290-0267

Underpayments to a provider occur if DSHS authorizes less than the amount the provider or consumer is eligible to receive.

Add: or if the provider receives less than they should have received. Or if the provider does not receive a termination notice and provides care.

WAC 170-290-0268

(1) (b) Does not have attendance records that comply with WAC 170-290-0138. Only attendance records meeting WAC requirements will be accepted for attendance verification;

This is unacceptable language. If a provider has cared for the child or children and can verify it another way other than with a full signature sign-in/sign-out sheet, the provider should be paid for care provided. The word "Only" should be removed from this section.

(2) Providers should be allowed flexibility in the amount of time to get documentation on overpayments. Remove the 14 day requirement. Documentation may be requested and DSHS or DEL should pay the cost of copies.

(4) It is not the practice, when the department has made an error, to charge the provider the overpayment. In fact, providers who have been incorrectly paid by DSHS or DEL due to departmental mistakes, have not been charged the overpayment. This practice should remain the same. This section should be removed.

SEIU Local 925 hopes the state will review the 2009-2011 Collective Bargaining Agreement and make the changes required. The goal is to create a smoother system for providers to give quality child care, not to create more obstacles in the subsidy system.